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9 IN THE UNITED STATES DISTRICT COURT
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11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

Case No. 2:24-MJ-0082-AC

13 Plaintiff,

14 v.
STIPULATION AND [PROPOSED] PROTECTIVE
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16 ORDER REGULATING DISCOVERY

JAVIER AGUILERA ROSAS

17 Defendants.
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19 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through Special
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28 Assistant U.S. Attorney NICOLE MOODY, Defendant JAVIER AGUILERA ROSAS, by and through
his counsel of record, MICHAEL HEUMANN (“Defense Counsel”), stipulate and agree, and
respectfully request that the Court order as follows.

1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
Criminal Procedure, and its general supervisory authority.

2. The Government has in its possession discovery that may be required under its discovery
obligations, but even if not required, may facilitate the Defendants’ trial preparation.

3. Some of this discovery material consists of documents and photographs that contain
personal identifiable information (PII), including individuals’ names, social security numbers, dates of
birth, and addresses.

4. Any discovery containing PII will be considered “Protected Material” as described in this

1 stipulation and order, as will any other discovery marked as Protected Material.

2 5. The purpose of this stipulation and order is to establish the procedures that must be
3 followed by Defense Counsel, any designated employees, and any other individual who receives access
4 to any Protected Material in this case and the information therein.

5 6. The Government shall produce the Protected Material to Defense Counsel, designating
6 the discovery with the bates prefix, "ROSAS_PM_." This discovery, and any subsequent material
7 discovered by the Government to Defense Counsel using the bates-prefix, shall be considered Protected
8 Material.

9 7. All Protected Material in this case is now and will forever remain the property of the
10 Government. It is entrusted to Defense Counsel only for purposes of representing his Defendant during
11 the pendency of this case.

12 8. Defense Counsel shall not give any Protected Material to any person other than Defense
13 Counsel's staff assisting in preparation of the present case. The term "staff" shall explicitly include only
14 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in
15 the present matter. The term excludes any other defendant in this matter (uncharged or otherwise) or
16 any other pending matter against the Defendants; any person involved in any case in which discovery
17 concerning the Defendants is produced; and any other person other than those specifically authorized to
18 see Protected Material under this paragraph.

19 9. Any person receiving access to the Protected Material from Defense Counsel shall be
20 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to
21 anyone.

22 10. No members of any of the Defendants' family, friends of the Defendants, personal or
23 professional associates of the Defendants, or any other person affiliated with the Defendants shall be
24 given access to any Protected Material or its contents in any manner, for any reason.

25 11. Defense Counsel may make copies of Protected Material and may take written or typed
26 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the
27 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.
28 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the

1 information in the Protected Material comprises “Protected Material” itself, must be affixed with the
2 corresponding bates numbers and the “Protected Material” ledger, and is subject to all terms of this
3 stipulation and order.

4 12. Defense Counsel shall maintain a list of persons to whom any Protected Material is being
5 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation
6 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its
7 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed
8 in any phase of the matter, the new counsel shall not have access to any Protected Material until and
9 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

10 13. Defense Counsel may use the Protected Material in the defense of his Defendant in the
11 instant case in any manner deemed essential to adequately represent him (*i.e.*, in motions that are filed
12 under seal, if necessary; in *ex parte* applications as may be needed; and in reproducing and summarizing
13 Protected Material for use in trial preparation summaries, exhibits and as evidence, as may be needed),
14 consistent with this stipulation and order as it shall be originally prepared and signed.

15 14. In the event Defense Counsel needs to use any Protected Material in a manner not
16 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation
17 and order amended by the District Court, after having given notice to counsel for the Government, in a
18 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the
19 United States Constitution.

20 15. Defense Counsel and any authorized members of Defense Counsel’s staff are authorized
21 to review with the Defendant the contents of the Protected Material. Defense Counsel and authorized
22 members of his staff, however, are prohibited from in any way giving the Defendant any Protected
23 Material or any memorialization of the content of any of it, such as: any of the Protected Material itself;
24 copies of any of the Protected Material; copies of excerpts of any of the Protected Material; or

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1 summaries of any of the Protected Material. This prohibition will not extend to the Defendant viewing
2 the Protected Material in open court should any of these materials or summaries thereof be used in the
3 litigation of this case.

4 Respectfully Submitted,

5 PHILLIP A. TALBERT
6 United States Attorney

7 DATE: July 16, 2024

8 /s/ NICOLE MOODY
9 NICOLE MOODY
10 Special Assistant U.S. Attorney

11 DATE: July 16, 2024

12 /s/ MICHAEL HEUMANN
13 MICHAEL HEUMANN
14 Counsel for Javier Aguilera Rosas

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ORDER

Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case. IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern the Protective Material as defined in the stipulation in this case.

IT IS SO ORDERED.

Dated: July 19, 2024

Carol K. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE